

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PHIMPHA THEPVONGSA,

Plaintiff,

v.

REGIONAL TRUSTEE SERVICES  
CORPORATION; OLD REPUBLIC TITLE  
LTD.; OCWEN LOAN SERVICING, LLC,  
SAXON MORTGAGE SERVICES;  
ELECTRONIC REGISTRATION SYSTEMS,  
INC.; NEW CENTURY MORTGAGE  
CORPORATION; DEUTSCHE BANK  
NATIONAL TRUST COMPANY;  
MORGAN STANLEY ABS CAPITAL I INC.;  
and DOES 1 through 20,

Defendants.

NO. CV 10-01045-RSL

DECLARATION OF  
MARY GUTIERREZ

Mary Gutierrez attests as follows:

1. At all relevant times I have been employed by Saxon Mortgage Service, Inc., ("Saxon") as a Senior Manager in Print Production. I am over eighteen and am competent to testify as to the matters herein. I make the following statement based on personal knowledge, my review of the records kept and maintained by Saxon Mortgage. As part of my duties, I have custody of, and am familiar with, the loan account files and

DECLARATION OF  
MARY GUTIERREZ - 1

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SEATTLE, WASHINGTON 98101-1801  
206/622-5306 FAX: 206/622-0354

1 records of plaintiff Phimpha Thepvongsa. The plaintiff's loan account files and records are  
2 maintained by Saxon in the ordinary course of business and contain entries made at or near  
3 the time of the events recorded therein by, or from information transmitted by, a person  
4 with knowledge thereof.

5 2. Saxon first began servicing plaintiff's loan account on March 26, 2007, when  
6 it received the file from New Century Mortgage.

7 3. Saxon serviced this file from March 26, 2007, until it was service released to  
8 Ocwen Loan Servicing LLC on November 16, 2009.

9 4. On October 30, 2009, Saxon sent a letter to the plaintiff giving notice of the  
10 service transfer to Ocwen. Attached hereto as *Exhibit A* is a true and correct copy of the  
11 October 30, 2009, letter.

12 5. After the servicing transferring this loan to Ocwen, Saxon has had no further  
13 contact or communication with this customer apart from being served with this lawsuit.

14 6. Among the loan documents in the plaintiffs file is the deed of trust that  
15 secured repayment of the loan. Attached hereto as *Exhibit B* is a true and correct copy of the  
16 deed of trust.

17 I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE  
18 STATE OF WASHINGTON THAT THE FORGOING IS TRUE AND CORRECT TO  
THE BEST OF MY KNOWLEDGE.

19 Dated this \_\_\_\_ day of September, 2010, Fort Worth, Texas

20   
Mary Gutierrez

21  
22  
23  
24 DECLARATION OF  
MARY GUTIERREZ - 2

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